

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CR. 06-50117-01
)	CR. 06-50117-02
Plaintiff,)	
)	ORDER REQUIRING
vs.)	PRODUCTION OF
)	STATEMENTS FOR IN
YURI CHACHANKO, and)	CAMERA REVIEW
CHUOI SAM,)	
)	
Defendants.)	

In an order dated August 20, 2007, this court found that joinder of the defendants in all fifteen counts of the indictment was improper, and ordered the government to elect the manner in which it would proceed to trial. Docket 185. The government elected to sever Counts I through V from the remaining counts in the indictment. Docket 188. In the August 20, 2007, order the court noted:

In the event the government elects to try both defendants together in Counts I through V and Chachanko separately in Counts VI through XV, then the court will need to address the issue of whether severance of the defendants is required under Bruton v. United States.

Docket 185 at 9 n.5.

In Bruton v. United States, 391 U.S. 123, 88 S. C. 1620, 20 L. Ed. 2d 476 (1968), “the Supreme Court held that in a trial where two or more defendants are tried jointly, the admission of a nontestifying codefendant’s

confession that expressly implicates the defendant violates the defendant's Sixth Amendment confrontation rights" United States v. Melina, 101 F.3d 567, 569 (8th Cir. 1996) (abrogated on other grounds), Bruton, 391 U.S. at 124-25.

Fed. R. Crim. P. 14(b) states:

Before ruling on a defendant's motion to sever, the court may order an attorney for the government to deliver to the court for in camera inspection any defendant's statement that the government intends to use as evidence.

The court finds such an order necessary in this case to determine whether defendants' motions for severance from each other should be granted. Accordingly, it is hereby

ORDERED that counsel for the government deliver to the court for in camera inspection any statements made by Chachanko that reference Sam, that the government intends to introduce at trial, no later than **August 24, 2007**.

Dated August 22, 2007.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
CHIEF JUDGE